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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,216	07/24/2001	Adrian Philip Wise	94101503(GB)USD1 PDDD	8133
22887	7590	03/21/2006	EXAMINER SRIVASTAVA, VIVEK	
DISCOVISION ASSOCIATES INTELLECTUAL PROPERTY DEVELOPMENT 2355 MAIN STREET, SUITE 200 IRVINE, CA 92614			ART UNIT 2623	PAPER NUMBER

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/912,216	WISE, ADRIAN PHILIP	
	Examiner	Art Unit	
	Vivek Srivastava	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 1/10/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 17 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 12-16, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 10 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 6, 7, 12 – 16, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Hurst (US 4.523,227).

Regarding claim 1, Hurst discloses a system for synchronizing a video signal having a first frame rate to a second frame rate comprising receiving at least one stored value indicative of the difference between the input rate and the output rate, performing at least one computation based on the at least one stored value, the result of the computation being used, in generating of the output sets of data, to control the insertion of additional sets of data or deletion of sets of data (see col. 3 line 32 – col. 4 line 19).

Hurst discloses present and desired durations are provided to a calculator where they are inherently stored. The calculation, resulting in a ratio, is provided to a variable frequency oscillator and sync processor where a computation is preformed resulting control of insertion or deletion of sets of data.

Regarding claim 2, Hurst discloses the input and output video signal comprise frames (see col. 3 lines 32 – 45).

Regarding claims 6 – 7, Hurst discloses the claimed NTSC frames which satisfy a video broadcast standard (see col. 3 lines 32 – 45; it is noted that satisfying a video broadcast standard does not mean the frames are from an NTSC broadcast).

Regarding claims 12 – 13, Hurst discloses the claimed in which the at least one computation comprises a computation performed with respect to each of the input sets and the claimed in which the insertion or deletion of sets of data occurs at regular intervals (see col. 3 lines 9 – 20).

Regarding claim 14, Hurst discloses the ratio of the input rate to the output rate may be any arbitrary rate i.e. 2%, 4%, 5% etc (see col. 3 line 46 – col.4 line 20, col. 5 lines 44 – 46, col. 11 lines 39 – 49).

Regarding claim 15, Hurst discloses delivering the output sets of data at the output rate (see col. 3 lines 9 – 20).

Regarding claim 16, Hurst discloses if frames are added they are repeated or are “copies of one of the input sets of data” (see col. 3 lines 40 – 45).

Claims 19 – 20, additionally recite a decoder and a logic unit in which the logic unit comprises hardware which is disclosed by Hurst (see col. 3 lines 32 – col. 4 line 19).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 – 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hurst (US 4,523,227) in view of Birch et al (US 5,493,339).

Regarding claims 3 – 5, Hurst fails to disclose the claimed in which the input sets are based on compressed digital information, in which the compressed digital information complies with a data compression standard for video information, in which the standard complies with MPEG, JPEG or H.261.

Birch discloses a rate converter which converts an MPEG compressed digital signal to an NTSC or PAL analog signal (see col. 11 line 51 – col. 12 line 3). It would have been obvious to modify Hurst to include rate conversion of the widely used and accepted MPEG standard. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hurst to include the claimed limitation for the benefit of converting and displaying a widely used and accepted video standard signal.

Claims 8 – 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hurst (US 4,523,227).

Regarding claims 8 – 9, Hurst fails to disclose the claimed in which the input rate is one of 24, 25 or 30 frames per second and in which the output rate is one of 50 or 60.

Official Notice is taken it would have been notoriously well known to convert 24 frames per second to one of 50 or 60 frames per second to enable video displaying of

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film or pictures. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hurst to include the claimed limitation for the benefit of being able display film or pictures.

Allowable Subject Matter

Claims 10 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kita (US 5,172,103) – Image display apparatus

Van de Waterlaat et al (US 5,534,932) – Letterbox television system

Taylor et al (US 4,302,776) – Still picture storage system

Yamaguchi et al (US 4,672,442) – Frame rate conversion system

Aimonoya (US 5,047,858) – Multi image processing and display system

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Srivastava whose telephone number is (571) 272-7304. The examiner can normally be reached on Monday – Friday from 9 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272 – 7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vs
3/19/06

A handwritten signature in black ink, appearing to read 'Vivek Srivastava', with a long horizontal line extending from the end of the signature.

VIVEK SRIVASTAVA
PRIMARY EXAMINER